



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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October 17, 2013

James Watson
383 Rotary Street
Morgantown, WV 26505

**RE: V13-54 / James Watson / 324 Barrickman Street
Tax Map 37, Parcel 168**

Dear Mr. Watson,

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition for variance relief from Article 1331.08 as it relates to an accessory structure at 324 Barrickman Street.

The decision is as follows:

Board of Zoning Appeals, October 16, 2013:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board granted variance relief under Article 1331.08 with the following conditions:
 - a. That the proposed accessory detached garage may be located no closer to Barrickman Street than the principal structure.
 - b. That the setback of the proposed accessory detached garage may be no closer than ten (10) feet from the property boundary running with the Barrickman Street right-of-way.
 - c. That no part of the proposed detached accessory structure may be designed, constructed, or used for sleeping purposes and no cooking fixtures may be placed or permitted therein.
 - d. That no part of the proposed detached accessory structure may be designed, constructed, or used for the conduct of commercial enterprises or a home occupation.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board. Please note that building permits must be obtained prior to the commencement of work for which variance relief was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and permitting needs.

Respectfully,

Stacy Hollar
Executive Secretary
shollar@cityofmorgantown.org

ADDENDUM A – Approved Findings of Fact

V13-54 / James Watson / 324 Barrickman Street

Finding of Fact No. 1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

The subject parcel extends from Dorsey Avenue along Barrickman Street approximately 170 feet to an unopened thirty-foot wide public right-of-way that is labeled “Hartley Street” on Tax Map 37. The existing principal single-family dwelling structure was constructed near the Waitman Street intersection with Barrickman Street. For reasons unknown, the orientation of the principal structure faces the unopened right-of-way at the rear of the property. Due to the location and orientation of the existing principal structure, constructing a detached accessory garage structure in the rear yard closest to the unopened right-of-way at the rear of the property does not appear feasible without improving the unopened portion of Barrickman Street and possibly the unopened “Hartley Street” right-of-way and potentially encroaching into rear setback requirements. Further, the subject property is surrounded on three sides by public rights-of-way and the width of the parcel ranges from approximately 50 feet to 52.68 feet. If the “Hartley Street” right-of-way were open and improved or opened and improved in the future, there does not appear to be a side or rear yard within which an accessory structure could be constructed given the exclusion of same provided by Article 1331.08(A)(4).

Finding of Fact No. 2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

It appears that a strict interpretation and enforcement of Article 1331.08(A)(2) and Article 1331.08(A)(4) would prohibit construction of any detached accessory structure in the largest portion of the property. Additionally, similar variance relief was granted by the Board for Case No. V12-21 on 25 JUL 2013 for a detached accessory storage shed structure at 310 Ford Street.

Finding of Fact No. 3 – The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

Although not necessarily complicated by the requirements of Article 1331.08(A)(2) and Article 1331.08(A)(4), there appears to be a number of detached accessory garage structures within the immediate neighborhood that contribute to value and convenience for the owners/occupants of same. A strict interpretation and enforcement of Article 1331.08(A)(2) and Article 1331.08(A)(4) would otherwise deny the petitioner the ability to similarly contribute to the value and convenience of his property.

Finding of Fact No. 4 – The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The principal use of property will remain a single-family dwelling permitted by-right in the R-1A District. The nature of the variance cannot contribute to or mitigate existing traffic congestion within the immediate area.